IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

NOTICE OF MOTION NO.313 OF 2005
IN
WRIT PETITION NO.1545 OF 2005

Ganesh Benzoplast Ltd. Petitioner
vs.
1. The Maharashtra Pollution Control
Board. & ors. Respondents

Ms.Deepa Chavan i/b. M/s.Little & Co. for the petitioner in support.

Mr.R.V.Govilkar for the respondent no.1 to show cause.

Mr.S.R.Page for the respondent no.3

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 21st July 2005

P.C.

Heard.

2. While admitting the writ petition on 16th June 2005 we granted interim relief in terms of prayer (d) of the writ petition. Prayer (d) reads thus:

> (d) that pending the hearing and final disposal of this petition, the 1st respondent be ordered and directed to allow the present consignment of 12,200 tonnes of Denatured Ethyl Alcohol on board the ship Mont Blanc to be discharged into the petitioner's tank facility through the pipes of the petitioner on the Jetty managed by the 3rd respondent and the 3rd respondent be directed to allow such discharge by use of its Jetty."

3. In paragraph 9 of the our order dated 16th June 2005 we clarified that handling and storage of Denatured

Ethyl Alcohol by the petitioner into their tank farm is confined to 12,200 tonnes of denatured ethyl alcohol on the board the ship Mont Blanc and save and except the interim order passed in terms of prayer (d), the petitioner shall abide by the order dated 2nd April 2005 until disposal of the writ petition.

4. By means of this notice of motion, the following prayers are made:

(a) that the Respondents be ordered and directed to permit the petitioner to receive the consignment of 12,200 metric tones of Denatured Ethyl Alcohol at their tank facilities at JNPT which is aboard the ship "New Endeavour' and "Team Panther" and the said ships 'New Endeavour" and "Team Panther" be permitted to discharge 12,200 metric tones of Denatured Ethyl Alcohol into the petitioners said tank facilities.

(b) that pending the hearing and final disposal of this petition, the 1st Respondent be ordered and directed to permit the petitioner to continue handling and storage of the chemicals specified in the consent to operate dated 10.8.2004 granted by the 1st Respondent to the petitioner.

5. Merely because the petitioner could not handle and store 12,200 tonnes of Denatured Ethyl Alcohol on board the ship Mont Blanc into their tank farm for which the permission was granted by us vide our order dated 16th June 2005, we hardly find any justification to permit the petitioner to handle and store the Denatured Ethyl Alcohol on board 'Team Panther' into their tank farm facilities at JNPT. In so far as Denatured Ethyl

Alcohol on board "New Endeavour" is concerned the interim relief prayed in respect thereof does not survive. In our order dated 16th June 2005, as noticed above, we had already clarified that the interim order is confined to 12,200 tonnes of Denatured Ethyl Alcohol on the ship Mont Blanc and save and except that the petitioner shall abide by the order dated 2nd April 2005. We hardly find any justification in reconsideration of the matter.

6. Our attention was drawn by the learned counsel for the respondent no.1 to the Division Bench judgment of this Court dated 28th April 1999 in Writ Petition No.983/1997. As regards the Aegis Chemicals Industries Limited who are said to be having LPG storage facility, it has been held in the aforesaid judgment that their LPG storage facility is not within 500 metres of the high tide line and it does not contravene the CRZ Regulations.

7. Be that as it may, no case for grant of the reliefs prayed for in the notice of motion is made out.

8. Notice of motion is dismissed.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)